

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

KENEXA TECHNOLOGY, INC., a Pennsylvania Corporation,	)	
	)	C.A. No. 07-27 (GMS)
Plaintiff,	)	
	)	JURY TRIAL DEMANDED
v.	)	
	)	
BLUELINX CORPORATION,	)	
a Georgia corporation,	)	
	)	
Defendant.	)	

**SCHEDULING ORDER**

This \_\_\_\_ day of **May 2007**, the Court having conducted a Rule 16 Scheduling Conference pursuant to Local Rule 16, 2(b) on **April 26, 2007**, and the parties having determined after discussion that the matter cannot be resolved at this juncture by settlement, voluntary mediation or binding arbitration;

***IT IS ORDERED*** that:

1.     **Rule 26(a) Initial Disclosures:** Unless otherwise agreed to by the parties, they shall make their initial disclosures pursuant to Federal Rules of Civil Procedure 26(a) within **ten (10) days** of the filing of defendant's response to the amended complaint.

2.     **Joinder of other Parties and Amendment of Pleadings:** All motions to join other parties and amend the pleadings shall be filed on or before **June 1, 2007**.

3.     **Discovery:** All discovery in this case shall be initiated so that it will be completed on or before **October 31, 2007**.

(a) **Discovery and Scheduling Matters:** Should counsel find they are unable to resolve a discovery or scheduling matter, the parties shall contact chambers at (302) 573-6470 to schedule

a telephone conference. Not less than forty-eight hours prior to the teleconference, the parties shall file with the court, via electronic means (CM/ECF), a **joint non-argumentative** letter agenda not to exceed (2) pages outlining the issue(s) in dispute. A sample letter can be located on this court's website at [www.ded.uscourts.gov](http://www.ded.uscourts.gov). After the parties have had three (3) discovery teleconferences, they will be required to file a joint letter showing good cause why the court should permit a fourth discovery teleconference.

4. **Confidential Information and Papers Filed under Seal:** Should counsel find it will be necessary to apply to the court for a protective order specifying terms and conditions for the disclosure of confidential information, they should confer and attempt to reach an agreement on a proposed form of order and submit it to the court within ten (10) days from the date of this order. When filing papers under seal, counsel should deliver to the Clerk an original and two copies of the papers.

**If, after making a diligent effort, the parties are unable to agree on the contents of the joint, proposed protective order, then they shall follow the dispute resolution process outlined in paragraph 3(a).**

5. **Settlement Conference:** Pursuant to 28 U.S.C. § 636, this matter is referred to the United States Magistrate for the purpose of exploring the possibility of a settlement. If the parties agree that the possibility of settlement may be enhanced by such referral, the parties shall contact the Magistrate Judge to schedule a settlement conference with the counsel and clients.

6. **Case and Issue Dispositive Motions:** All case dispositive motions and an opening brief and affidavits, if any, in support of the motion, shall be served and filed on or before **November 14, 2007**. Briefing shall be presented pursuant to court's Local Rules, unless the parties agree to an alternative briefing schedule. Any such agreement shall be in writing and

filed with the Court for the Court's approval. Any request for extensions of time as set forth in this Scheduling Order **must** be accompanied by an explanation or your request will be denied.

7. **Applications by Motion:** Except as provided in this Order or for matters relating to scheduling, any application to the Court shall be by written motion filed, via electronic means (CM/ECF). Unless otherwise requested by the Court, counsel shall **not** deliver copies of papers or correspondence to Chambers. Any non-dispositive motion shall contain the statement required by Del. LR 7.1.1.

8. **Oral Argument:** If the Court believes that oral argument is necessary, the Court will schedule a hearing Pursuant to Del. LR 7.1.4.

9. **Pretrial Conference.** On March 31, 2008, beginning at **9:30 a.m.**, the Court will hold a Final Pretrial Conference in Chambers with counsel. Unless otherwise ordered by the Court, the parties should assume that filing the Joint Pretrial Order satisfies the pretrial disclosure requirement in Federal Rule of Civil Procedure 26(a)(3). A sample form of Pretrial order can be located on this court's website at [www.ded.uscourts.gov](http://www.ded.uscourts.gov). Thirty (30) days before the Joint Proposed Pretrial Order is due, plaintiff's counsel shall forward to defendant's counsel a draft of the pretrial order containing the information plaintiff proposed to include in the draft. Defendant's counsel shall, in turn, provide to plaintiff's draft as well as the information defendant proposed to include in the proposed pretrial order. **Motions *in limine*:** No party shall file more than five (5) motions *in limine*. The parties shall exchange opening briefs on **February 18, 2008**; answering briefs on **March 3, 2008**; and reply briefs on **March 10, 2008**. The briefs (opening, answering and reply) on all motions *in limine* shall be filed as part of the Pretrial Order. Opening and answering briefs shall not exceed five (5) pages and reply briefs shall not exceed three (3) pages. The parties shall file with the court the **joint** proposed final

pretrial order with the information required by the form of Final Pretrial Order which can be located on this court's website at [www.ded.uscourts.gov](http://www.ded.uscourts.gov) on or before **March 10, 2008**.

10. **Trial:** The matter is scheduled for a **5 day jury** trial beginning at **9:30 a.m.** on **April 21, 2008**.

11. **Scheduling:** The parties shall contact chambers, at (302) 573-6470, only in situations where scheduling relief is sought and only then when ALL participating counsel are on the line for purposes of selecting a new date.

---

UNITED STATES DISTRICT JUDGE